

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

TEXAS MEDICAL ASSOCIATION, et al.,	)	
	)	
<i>Plaintiffs,</i>	)	
v.	)	
UNITED STATES DEPARTMENT OF	)	
HEALTH AND HUMAN SERVICES,	)	
DEPARTMENT OF LABOR,	)	Civil Action No. 6:22-cv-00450-JDK
DEPARTMENT OF THE TREASURY, and	)	
the CURRENT HEADS OF THOSE	)	Lead Consolidated Case
AGENCIES IN THEIR OFFICIAL	)	
CAPACITIES,	)	
<i>Defendants.</i>	)	
	)	
	)	
	)	

**CERTIFICATION OF THE ADMINISTRATIVE RULEMAKING RECORD**

I, Sheli Harris, Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs, Centers for Medicare & Medicaid Services (“CMS”), United States Department of Health and Human Services (“HHS”), certify that, to the best of my knowledge, the accompanying materials comprise the complete administrative record of the rulemaking proceedings for the portions of the rules that the Plaintiffs challenge in this action, which address the calculation of the qualifying payment amount, the deadline for making initial payments or notices of denial of payments, and batching of air ambulance services. *See Requirements Related to Surprise Billing; Part I*, 86 Fed. Reg. 36,872 (July 13, 2021) (July Interim Final Rule); *Requirements Related to Surprise Billing; Part II*, 86 Fed. Reg. 55,980 (Oct. 7, 2021) (September 2021 Interim Final Rule).

Executed this 2nd day of March 2023, in Baltimore, Maryland.



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Sheli Harris, Deputy Director  
Regulations Development Group  
Office of Strategic Operations and Regulatory Affairs  
Centers for Medicare & Medicaid Services  
United States Department of Health and Human Services

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